

# Think Globally, Act Locally (in Your Workplace): Changes to OSHA's Hazard Communication Standard

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PRACTICES OSHA, Labor and Employment

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The Occupational Safety and Health Administration (“OSHA”) recently released a final rule that aligns its hazard communication standard (29 C.F.R. § 1910.1200) with the United Nations’ Globally Harmonized System for Classification and Labelling of Chemicals (“GHS”). The rule, which OSHA published in the March 26, 2012 Federal Register (77 Fed. Reg. 17,574), changes the agency’s criteria for classifying physical and health hazards, adopts standardized labelling requirements, requires additional training for workers handling hazardous chemicals and implements a standardized order of information to appear on safety data sheets (or MSDS).

## Why Modify the Hazard Communication Standard?

OSHA has explained that the new rule is not intended to change the framework and scope of the hazard communication standard. Instead, it aims to increase the “quality and consistency of information provided to workers, employers and chemical users by adopting a standardized approach to hazard classification, labels and safety data sheets.” The GHS, which provides criteria for classifying chemicals according to their health and physical hazards and specifies hazard communication elements for labelling and safety data sheets, was adopted on an international level by the United Nations in 2002 (with a goal to implement in 2008). In adopting this international labelling system, OSHA aims to ease compliance burdens on international chemical manufacturers who currently must use multiple labels and safety data sheets for the same product when shipping it to different countries. In addition, OSHA asserts that adoption of the GHS - which uses pictograms and signal words to convey warnings - will enhance worker comprehension, especially for low literacy workers.

## What are the Major Changes to the Hazard Communication Standard?

The new rule adopting the GHS institutes major changes, including:

- **Hazard classification:** The new rule provides specific criteria for classification of health and physical hazards, as well as the classification of mixtures. The health hazard categories are acute toxicity, skin corrosion or irritation, serious eye damage or eye irritation, respiratory or skin sensitization, germ cell mutagenicity, carcinogenicity, reproductive toxicity, specific target organ toxicity through single exposure, specific target organ toxicity through repeated exposure, and aspiration hazards. The physical hazard categories are explosives; flammable gases; flammable aerosols; oxidizing gases; gases under pressure; flammable liquids; flammable solids; self-reactive chemicals; pyrophoric liquids; pyrophoric solids; self-heating chemicals; chemicals, in contact with water, that emit flammable gases; oxidizing liquids; oxidizing solids; organic peroxides; and corrosive to metals. In addition, the rule contains a controversial category, “Other Hazards Which Do Not Result in Classification,” which requires employers to include information on chemicals with adverse physical or health effects that are identified during the evaluation of scientific evidence, even if the chemicals do not fall under any of the existing hazard classes. Given the broad and subjective nature of this category,

“Other Hazards Which Do Not Result in Classification” has the potential to create compliance issues for employers.

- **Labels:** Under the new rule, chemical manufacturers and importers are required to provide a label that includes a signal-word hazard statement, relevant hazard statements, pictograms, and precautionary statements.
- **Safety Data Sheets:** The new rule requires safety data sheets to have a specified 16-section format, which must cover areas such as substance identification, hazard identification, first-aid measures, and physical and chemical properties, among others.
- **Training:** While the GHS does not address training, OSHA’s new rule requires that employers train their workers on all of the rule’s new labelling and safety data sheet requirements by December 1, 2013. This December 2013 deadline, however, may present problems because it requires employers to train employees on labelling that is not required (and may not be applicable to their worksite) until a year and a half later - on June 1, 2015.

## What is the Time Table for Compliance?

Under the new rule adopting the GHS, the following are important implementation dates:

- **December 1, 2013:** Employers must train workers on new labels and MSDS formats.
- **June 1, 2015:** Chemical manufacturers must have updated labels and MSDS.
- **June 1, 2016:** Employers must update their hazard communication programs and train as necessary on the updated system.

If you have any questions, please visit the Haynes Boone [Occupational Safety and Health Act \(OSHA\) and Workplace Disasters](#) page of our website or contact one of the lawyers listed below.

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